MODIFIED PTO/SB/33 (09-08)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

		Docket Number Q83107
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____	Application Number 10/509,852	Filed September 30, 2004
	Confirmation Number: 4310 First Named Inventor Nicolas DREVON	
Signature Typed or printed name	Art Unit 2617	Examiner Eric J. ELCENKO

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

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CORRESPONDENCE ADDRESS

Direct all correspondence to the address for SUGHRUE MION, PLLC filed under the Customer Number listed below:

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☑ attorney or agent of record. Registration number 52,778

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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December 9, 2010
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 form is submitted.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q83107
Nicolas DREVON	
Appln. No.: 10/509,852	Group Art Unit: 2617
Confirmation No.: 4310	Examiner: Eric J. ELCENKO

Filed: September 30, 2004

For: METHOD OF CONTROLLING ACCESS RIGHTS IN A CELLULAR MOBILE RADIO COMMUNICATION SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated June 9, 2010, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-16 are all the claims pending in the present application. The Examiner withdrew a previous rejection based on the single reference Hogan et al. (U.S. Patent Application Publication No. 2002/01111180). The Examiner has now applied a secondary reference Rune et al. (U.S. Patent No. 7,031,707) in addition to Hogan to allegedly render claims 1-16 unpatentable. Specifically, claims 1-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hogan in view of Rune.

Hogan is directed to telecommunications, and particularly to the structure and operation of shared telecommunication networks. To facilitate determination of access rights in a shared

network context, the telecommunications network of Hogan transmits, in a broadcast channel over an air interface, an access group eligibility message (300-2) to a user equipment unit (30). The access group eligibility message enables the user equipment unit to ascertain, on a basis of access group to which the user equipment unit belongs, whether the user equipment unit is eligible to operate in a cell for which the access group eligibility message is transmitted. *See Abstract of Hogan.*

Rune is directed to a method and apparatus for providing an indication, in a system which uses a gateway location register to reduce signaling between visitor location registers and home location registers, to a home location register of the features not supported by a visitor location register. The indication of the features not supported by the visitor location register can be provided to the home location register during a location update message or a data restoration request message exchange. The indication can also be provided in an information update message. *See Abstract of Rune.*

In the Appeal Brief dated July 6, 2009, Applicant successfully argued that Hogan does not disclose or suggest at least, "transferring roaming agreement information from a core network to a radio access network," and "said roaming agreement information is transferred independently of messages linked to calls or user equipments," as recited in claim 1 and analogously cited in independent claims, 11, 13, and 16.

Claim 1 recites:

> 1. 1. A method for controlling access rights in a cellular mobile radio system, comprising transferring roaming agreement information from a core network to a radio access network of said cellular mobile radio system, wherein said roaming agreement information is transferred independently of messages linked to calls or user equipment.

Applicant argued in the July 6 Appeal Brief that Hogan fails to teach or suggest the claimed feature "transferring roaming agreement information from a core network to a radio access network." In particular, Applicant noted that Hogan discloses that the core network and the radio access network communicate via the Iu interface in the control plane.[1] The Iu interface is specified in the Technical Specification (TS) 25.413 issued by 3GPP.[2] Technical Specification 25.413 specifies a number of features in the control plane. However, at the time of filing of the present application (i.e., up to version V4.4.0), TS 25.413 did not disclose or suggest the claimed features "transferring roaming agreement information from a core network to a radio access network." Further, TS 25.413 also fails to disclose or suggest "said roaming agreement is transferred independently of messages linked to calls or user equipments," as claimed. Thus, Applicant successfully argued that Hogan fails to teach or suggest these required features of the claimed invention.

Also, the cited portions of Hogan mention nothing about roaming restriction groups, except that they exist. Therefore, nowhere does Hogan explicitly, or inherently describe a roaming restriction group method of handling access rights where roaming agreement information is transferred independently of messages linked to calls or user equipment. For *at least* these reasons, Applicant successfully argued that Hogan fails to disclose or suggest that roaming agreement information is transferred independently of messages linked to calls or user equipment, as claimed.

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[1] *See* Hogan, paragraphs [12] and [13].

[2] Appellant submitted this reference in an Information Disclosure Statement on March 4, 2008.

In the most recent rejection, the Examiner alleges that secondary reference Rune makes up for at least the above-noted deficiencies of Hogan.

In response, Applicant maintains the previously submitted arguments regarding Hogan and further submit that Rune does not disclose or suggest transferring information between a core network and radio access network, as recited in independent claims 11, 13, an 16. Rune discloses transferring information between different entities of a core network, which does not satisfy the above-quoted features.

In the *Response to Arguments* section of Office Action dated June 9, 2010, the Examiner alleges:

> Applicant's arguments filed have been fully considered but they are not persuasive. After the review of the Appeal brief it was found the prior did not cover each and every limitation of each and every claim. Arguing a specific reason for the issuing of a new Office Action is incorrect and a broad assumption. The previous Action included the Rune reference for the reason of Hogan not teaching the information being transferred independently of message linked to calls or the user equipment. Hogan teaches the information being transferred from the core network to the radio access network. The core network 16 including MSC nodes and GPRS nodes and the radio access network including the RNCs 26 which communicate further to the base stations. The message being sent from the MSC to the RNC, i.e., from the core network to the radio access network. (Paragraphs 10-13). The combination of Rune is to show the obviousness of information begin transferred independently of messages linked to calls or equipment. It is obvious that a core network and a radio access network can communicate information back and forth without the need of having to also transfer information about a user or a call regarding a user. User independent messaging occurs and Rune is used to show that information can be transferred in a network without the need of attachment to a user. The combination therefore teaches transferring the information from a core network to a radio access network and that the information can obviously being transferred without having a need to be linked to a user or a call regarding a user as outlined in the rejection set below.

In response, Applicants maintain that the secondary reference Rune does not disclose or suggest transferring roaming agreement information from a core network to a radio access network. Even if, *arguendo*, there can be communication between a core network and a radio access network, neither of the applied references discloses or suggests the specific transfer of roaming agreement information from the core network to a radio access network. The Examiner obviously utilizes impermissible hindsight reasoning in concluding that such information can be transferred from one type of network to a separate and different type of network based on the teaching of Rune. Merely being able to communicate between the different networks does not necessarily indicate that specific information (i.e., roaming agreement information) can be transferred from the communicable networks.

At least based on the foregoing, Applicant submits that independent claims 1, 11, 13, and 16 are patentably distinguishable over the applied references, alone or in combination.

Applicant submits that claims 2-10, 12, and 14-15 are patentable at least by virtue of their respective dependencies from independent claims 1, 11, 13 and 16.

Respectfully submitted,

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